उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(20)

16/11/07

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

[Single Bench; Hon'ble Mr. Justice Dhirendra Mishra]

Cr.M.P. No.349/2007

PETITIONERS **Accused Persons**

1. Darbar Singh, son of Bhaggara Singh, Sikh, aged about 80 years.
2. Himmat Singh, son of Shri Darabaa Singh, aged about 30 years.
3. Jaspal Singh, son of Singara Singh, aged about 30 years.
4. Ajit Kaur, wife of Shri Rajkumar, aged about 24 years.
5. Chitra Kaur, aged about 28 years, wife of Jaspal Singh.

All are resident of Nandani Nagar, Tahsil and District Durg (CG)

Vs

RESPONDENTS COMPLAINANT

1. Smt. Manjindar Kaur, wife of Shri Himmat Singh, aged about 29 years, resident of Street No.2, Qtr. No.7-A, Nandini Nagar, P.S. Nandini Nagar, Tah. Ahiwara, Distt. Durg (C.G.)
2. State of Chhattisgarh, Through: Police Station, Nandini Nagar, Distt. Durg (CG)

14.11.2007

Shri Abhay Tiwari, Counsel for the petitioners.

Shri C.K. Navrang, Counsel for the respondent No.1.

Shri G.K. Beriwal, Dy. Adv. Gen. for respondent No.2.

Heard.

By this petition under Section 482 of Cr.P.C., the petitioners have impugned the order dated 4.4.2007 (Annexure P/2) passed by the learned Judicial Magistrate, First Class, Durg, wherein their application under Section 320 of the Cr.P.C for compromising the offence under Section

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

30

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अँतिम आदेश

498A of IPC and Sections 3 & 4 of the Dowry Prohibition Act, has been rejected on the ground that the same are not compoundable. During the pendency of this petition a separate application for compounding the aforesaid offences has been made jointly by the complainant and the petitioners.

The petitioners as well as complainant Smt. Manjindar Kaur are present in person.

Parties to appear before the Additional Registrar (J), who shall verify the terms & conditions of the compromise and submit the report.

Sd/-
Dhirendra Mishra
Judge

Later on:

Perused the report of the Additional Registrar (Judicial).

The complainant has stated that she has compromised the matter without any fear & pressure. She is residing with her husband Himmat Singh happily at Nandini, District Durg. She has given birth to two children aged about 10 years & 4 months respectively and now she has no dispute with her husband. On the basis of compromise petition, the offence registered under Section 324 of IPC was compounded.

Learned counsel for the petitioners relying upon the judgments of this Court in the matters of **Anamika Jain and others Versus State of Chhattisgarh** reported in **2007 (1) C.G.J.R.74** & **Smt. Pinki Soni @ Geeta Vs State of C.G. & others** reported in **2006 (2) C.G.L.J. 491**

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(31)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

argued that though the offence under Section 498A of the IPC and Sections 3 & 4 of the Dowry Prohibition Act are not compoundable, the criminal proceedings against the aforesaid sections can be quashed in appropriate cases while exercising jurisdiction under Section 482 of the Cr.P.C. In the instant case the complainant and accused persons are living together happily and peacefully, therefore, looking to the welfare of the parties and in the interest of justice, the criminal proceedings in the matter of Criminal Case No.193/01 pending in the Court of Judicial Magistrate 1st Class, Durg should be quashed.

Taking into consideration the statement of the complainant as also considering the fact that the complainant and accused persons have settled the dispute amicably and are living peaceful matrimonial life and the parties to the criminal proceedings have reached to a mutual agreement to bring to an end the differences and disputes and re-settle in their life and they have been blessed by a child aged 4 months while living together happily and peacefully, it would be in the interest of justice to allow this application and quash the criminal proceedings pending in the court of the Judicial Magistrate 1st Class registered as Criminal Case No.193/01.

Accordingly, the petition is allowed and the criminal proceedings pending in the court of Judicial Magistrate 1st Class, Durg registered Criminal Case No.193/01 are hereby quashed.

Sd/-
Dhirendra Mishra
Judge